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BY-LAW No. 730

Passed 30th April, 1894.

As amended by By-Law No. 738, passed 28th May, 1894; by
By-Law No. 790, passed 24th June, 1895, and by
By-Law No. 864, passed 28th Dec., 1896.

RELATING TO

BUILDINGS,

FIRE LIMITS and

PRIVATE DRAINS.



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By-Law No. 730

WITH AMENDMENTS.

TO AMEND AND CONSOLIDATE THE FIRE LIMITS BY-LAW
AND THE BUILDING BY-LAW, AND TO PROVIDE FOR
THE INSPECTION OF PRIVATE DRAINS.

Whereas, it is expedient to amend and consolidate the by-laws now in force for regulating the erection of buildings and defining the fire limits and for preventing fires and also to pass a by-law making provision for the inspection of private drains.

Therefore the Municipal Council of the City of Hamilton enacts as follows :

1. Chapter 41 of the Consolidated By-laws of the City of Hamilton, sections 5 and 6 of chapter 31 of the Consolidated By-laws, and By-law number 541 of this City are hereby repealed.

Building Inspector.

2. The Council shall from time to time appoint a competent, practical and discreet man to be inspector of buildings and of fire limits and private drains, at such salary as the Council may think fit to provide, the person so appointed to be called the Building Inspector, and to hold office during the pleasure of the Council.

3. The duties of the Building Inspector shall be as follows :

(a) He shall receive and take due care of all plans and descriptions of buildings deposited with him under the provisions of this By-law and record the same in a book to be kept in his office for that purpose, and shall keep such book properly indexed and open for inspection and reference, and issue permits in accordance with the terms of this By-law, and he shall also record in a book to be kept by him all reports and complaints made to him as Building Inspector.

(b) He shall inspect all buildings while being erected, altered or enlarged within the City, and all scaffolding put up or used in

connection therewith, and also the erections placed by the builder or contractor upon any street, lane or alley adjacent to any such building or any obstruction or want of repair in any such street, lane or alley caused by the deposit of building material or by the carrying on of the works.

(c) He shall examine carefully, when requested to do so, or whenever he may deem it necessary or proper, all chimneys, fireplaces, hearths, ovens, boilers, furnaces, stoves, steam pipes, stove pipes, funnels, flues and all places where fires are made or kept, or where ashes are kept, or where there may be any hay or straw, or any buildings, fences or erections or lumber or other combustible material which may be a source of danger from fire to the adjacent property within the city, and he shall notify the owner, occupant or party using the building or premises where any such thing may be a source of danger from fire, to discontinue the use of or to remove the same.

(d) He shall inspect the drains of all buildings in the course of erection, and also all drains made or re-laid from any buildings already erected and see that such draining is done in a thorough manner, and shall keep a record of every inspection, and of his decision and action thereon in a book to be provided by the Corporation for that purpose, and shall make in such book a small diagram showing the location of each drain therein referred to.

(e) He shall inspect the drains connected with or leading from or situate in any building or premises in the City of Hamilton when requested by the Medical Health Officer, or by the Sewer Committee, or the chairman thereof, to do so, and if he finds the same to be out of repair or not properly constructed, or otherwise defective, or the drains not properly trapped or ventilated, he shall notify the owner or owners thereof in writing, calling their attention thereto and calling on them to re-construct, alter or repair the same.

4. It shall also be the duty of the Building Inspector to enforce the provisions of this by-law, and that he may be able to do so in all respects, the Street Commissioner shall notify him of the intended construction or reconstruction of any pavement where conductors or gutter pipes are to be connected with the sewers under section 35 of this by-law, and also of any violation which may come under his notice of the provisions of this by-law affecting the streets, sidewalks, pavements or sewers of the city.

Fire Limits.

5. All that part of the City of Hamilton embraced in the following limits or boundaries shall hereafter constitute and be known as

the fire limits of the City of Hamilton : Commencing on the westerly limit of Wentworth street at its intersection with the lands of the Grand Trunk Railway Company, thence southerly along Wentworth street to the lands of the said Company, formerly belonging to the Hamilton & Lake Erie Railway Company, thence in a northwesterly direction along the northerly limit of said lands to Young street, thence westerly along Young street to Ferguson avenue, thence southerly along Ferguson avenue to the John street mountain road, thence in a southwesterly direction along said road to the point where that road is intersected by the short road leading up the mountain in a southwesterly direction from the head of John street, thence in a straight line in a northwesterly direction to Aberdeen avenue at its intersection with the James street mountain road, thence westerly along Aberdeen avenue to Locke street, thence northerly along Locke street to King street, thence westerly along King street to Dundurn street, thence northerly along Dundurn street and in continuation of the line of that street to the lands of the Grand Trunk Railway Company, thence in a straight line in a southeasterly direction to Barton street at its intersection with the east side of Oxford street, thence easterly along Barton street to Queen street, thence southerly along Queen street to Clarence street, thence easterly along Clarence street to Hess street, thence southerly on Hess street to Cannon street, thence easterly on Cannon street to Railroad street, thence northerly on Railroad street to Mulberry street, thence easterly on Mulberry street to Bay street, thence northerly on Bay street to the southern limit of the lands of the Grand Trunk Railway Company, thence easterly along the southerly limit of the lands of the said Company to the place of beginning.

(a) The said fire limits shall also include that portion of the City of Hamilton embraced in the following limits or boundaries, namely : Commencing on the easterly limit of John street at its intersection with the northerly limit of the lands of the Grand Trunk Railway Company, thence northerly along the easterly limit of John street to Guise street, thence westerly along Guise street to James street, thence southerly along James street to Burlington street, thence westerly along Burlington street to within fifty feet of the waters of Burlington Bay at high water mark ; thence southerly following the line of the Bay shore at a distance of fifty feet easterly from high water mark to Simcoe street, thence easterly along Simcoe street to Bay street ; thence southerly along the west side of Bay street to its intersection with the northerly limit of the lands of the Grand Trunk Railway Company, thence easterly along said limit to the place of beginning ; and also the land on the east side of John street to the depth of one hundred feet from the northerly limits of the lands of the Grand Trunk Railway Company to Guise street, and the lands on the West side of Bay street to to the depth of one hundred feet, from Simcoe street to the northerly limit of the lands of the Grand Trunk Railway Company.

Deposit and Inspection of Plans.

6. No person shall commence the erection of any building, or part of a building, of the cost of more than \$100, within the City until he shall have deposited with the Building Inspector a ground or block plan showing the level of the cellar and basements thereof With reference to the grade line of the adjoining street or streets as laid down or recorded in the office of the City Engineer, and also a description showing the materials with which the walls of the building are to be constructed, and has obtained a permit from the Building Inspector to proceed therewith. Every contractor or builder shall produce to the Building Inspector for inspection whenever required by him the plans of any building which such contractor or builder may be erecting within the City Limits.

Outer Walls and Partitions.

7. Every building, or part of a building, made, constructed, or placed within the said fire limits, shall be built with outer walls of iron, stone or brick, and when such building or part of a building is built with outer walls of iron, such walls shall not be less than one-eighth of an inch in thickness ; when the outer walls are built of stone or brick, and such building or part of a building is more than one-and a-half and less than three storeys in height, the outer walls shall be at least eight and one-half inches in thickness, and when three storeys in height, the outer walls of the first and second storeys shall be not less than twelve inches in thickness, and of the third storey not less than eight and one-half inches in thickness, and when more than three storeys in height the outer walls of the first storey shall be not less than sixteen inches in thickness and of the second and third storeys not less than twelve inches and of the upper storey not less than eight and one-half inches in thickness.

(a) Every mansard roof shall for the purposes of this by-law be considered as a storey, and such storey must be divided by brick or stone partition walls as hereinafter provided when such partition walls are extended to the storey next below it.

(b) Every building within such fire limits which is to be divided into one or more stores, tenements or dwellings, and whether the same is being newly constructed or is being altered or rebuilt, shall be so divided by brick or stone partition walls running from the front to the rear of such building and extending from the foundation to the full height of each partition, such partition walls to be not less than eight and one-half inches in thickness, if not extending more than three storeys in height, but if extending beyond that height, such partition walls up to and inclusive of the third storey shall be not less than twelve inches in thickness and the partition walls above the third storey shall be not less than eight and one-

half inches in thickness, and all such partition walls where they divide the top storey of a building shall be continued and built up to a height of twelve inches above the roof.

(c) Where any hall or large room is to be constructed on an upper storey, and is to extend over two or more of such stores, tenements or dwellings, the party walls shall be carried from the foundation to the top of the floor joist of such hall or room, and the flooring of said hall or room where passing over the tops of such partition walls shall be solidly bedded upon a half-inch coating of asbestos mortar.

(d) In all cases the ends of any and all joists resting in or upon any wall or partition shall be at least four inches apart in each direction and any space intervening between the ends of such joists shall be filled with brick and mortar.

Towers.

(e) No wall or part of a wall of any tower within the City Limits shall be built upon any wooden beam or wooden girder or support.

Elevator Shafts.

(f) Every elevator shaft shall be constructed with brick walls not less than eight and one half inches in thickness, with iron doors to each opening, commencing at the lowest point reached by such elevator and extending at least 5 feet above the roof of the building, and the roof of each elevator shaft shall be formed by a skylight.

(g) Or shall be made with sides consisting of bars of iron open on each storey and shall have horizontal fire proof doors on each flat which shall automatically close the elevator opening in the floor when the building shall be heated by any fire, which might spread from the flat below through the elevator opening, such automatic doors to be made and placed in position to the satisfaction of the Building Inspector and the Chief Engineer of the Fire Department.

Brick Veneer.

8. Any one or two storey frame building already erected may be bricked up with four-inch brick walls within said fire limits, if placed on a stone foundation.

Roofs.

9. All roofed buildings within the fire limits shall be finished externally with tin, iron, zinc, copper, slate, tile or felt and gravel, or with shingles laid in hair mortar, not less than one quarter of an inch in thickness, or with shingles laid in fire-proof felt or with

some other material of an incombustible nature, and no roof of any building already erected in the said fire limits shall be re-laid or re-covered except with materials hereinbefore enumerated.

Wooden Buildings.

10. Nothing herein contained shall be so construed as to prevent the erection within the said fire limits of any building constructed of material other than with walls of iron, stone or brick, not exceeding 216 square feet in area and 16 feet in height at the highest part of the roof thereof, or to require such building to be roofed in the manner hereinbefore directed, provided such building shall not front upon any street; nor shall more than one such frame building be erected on the same lot or premises. No building with outer walls other than of iron, stone or brick, shall be built within the area bounded by Ferguson avenue on the east, Hunter street on the south, Bay street on the west, and Cannon street on the north; or within the area bounded by Ferguson avenue on the west, Main street on the south, Wellington street on the east, and King William street on the north.

11. No building or part of a building within the fire limits, other than with main walls of brick, stone or iron shall be raised, enlarged or removed to any other place within the same, nor shall any such building be removed into the fire limits; nor shall any wooden building within said fire limits which may hereafter be damaged to the extent of fifty per cent. of the value thereof be repaired or rebuilt, nor shall such building where the damages are less than fifty per cent. of its value, be so repaired as to be raised an additional storey or part of a storey, or so as to occupy a greater space than before the damage thereto, but nothing herein contained shall prevent any one from putting a stone or other substantial foundation under an existing wooden building, such foundation not to be more than four feet above the established grade of the adjoining street, nor shall it prevent any one from removing a wooden building towards the rear of the lot on which it stands, provided it is not placed within two feet of the land of any adjoining owner, or of any other wooden building on the same lot or premises.

12. Any owner or contractor who shall build or aid in the erection of any building or part of a building within the fire limits, or shall remove or assist in removing any such building, or shall repair or assist in repairing any damaged building contrary to any provisions of this By-law, shall be subject to the penalties hereinafter imposed.

Pulling Down and Removal by Inspector.

13. Any building or erection which may be constructed or placed in contravention of this By-law may be pulled down or removed, at the expense of the owner thereof, by or under the direction of the

Building Inspector, but it shall be the duty of the Inspector, before pulling down or removing such building or erection, to obtain the consent of the Market Fire and Police Committee or of the Mayor to his so doing, and to give two days notice to the owner or builder requiring him to pull down or remove such building or erection.

Fire Escapes.

14. All public buildings, hotels, halls, theatres, factories and schools more than two storeys in height shall be provided with two or more fire escapes, securely fastened to the outer walls of such buildings, hotels, halls, theatres, factories or schools, and connected with one or more windows in each storey except the first.

Fireworks and Dangerous Manufacturers.

15. No person shall use or occupy, within the limits of this city, any building for the manufacture of turpentine, camphene, or other dangerous or easily inflammable or explosive substances, or for the storage of fireworks of any description, gunpowder or dynamite in any quantity of more than twenty-five pounds, nor shall any person use for manufacturing or other purposes machinery which causes danger from fire, unless it is located in a building not less than 50 feet distant from any other building.

Chimneys.

16. Every chimney within the fire limits shall be carried to a height of not less than six inches above the ridge or deck of any roof carried by or connected with or abutting upon the walls to which said chimney is attached, and where a chimney is used to carry away smoke or noxious vapors from any manufactory where an engine and boiler of more than twenty horse-power are used, such chimney shall not be less than seventy-five feet in height above the level of the street adjoining such manufactory, and shall be built entirely of brick, laid with good mortar.

Furnaces and Stoves.

17. No timber shall be placed within one foot of the inside of any oven, copper still, boiler or furnace, nor within four and a half inches of the opening of any chimney or within four and a half inches of the inside of any flue.

18. No person shall hereafter place any furnace or stove in any house or building in the city, without leaving twelve inches clear from any wood-work immediately above such furnace or stove, and nine inches from any wood-work opposite the sides of the same, and no person shall place, maintain or use any furnace upon or over a wooden floor unless there is immediately underneath the furnace and extending a distance of four inches on each side beyond

the outer walls of such furnace a bed of concrete not less than six inches deep enclosed in a metal frame or a brick bed not less than six inches thick laid in mortar, and there is also an air space of at least three inches between the furnace and such bed.

(a) All open fireplaces or grates shall have the hearth laid upon trimmer arches of brick or upon iron girders.

19. No pipe or funnel for conveying steam or hot air shall be fixed next any public street or highway on the front of any building, nor shall any exhaust steam pipes be allowed to enter any sewer, nor shall any funnel, pipe or flue for conveying fire or smoke be fixed on the inside of any building nearer than twelve inches to the face of any timbers of roofs, ceilings or partitions; nor shall any such funnel, pipe or flue pass through any timber framing, or partition of wood, or wood and lime, or through any wooden floor, in any house, outhouse, fence or building whatever, within the said City, unless there shall be a space of at least six inches clear between the said funnel, pipe or flue and such framing, partition or floor, and unless the same shall pass through a chimney of stone, or brick and mortar, or shall be encircled by a rim of solid stone, or brick or metal, not less than three inches wide, and equal in thickness to the full finished thickness of the framing through which such pipe shall pass.

20. No occupant of any house or building within the said City shall permit any pipe hole not in use as a smoke flue in any chimney in such house or building to remain open, and not closed with a stopper of metal or other incombustible material.

Ashes.

21. All depositories of ashes shall be built of brick, stone or iron, and no person within the said City not having an ashpit as above prescribed, shall keep more than ten bushels of wood ashes on his, her or their premises.

Hay, Straw and Shavings.

22. No person or persons shall place or permit to be placed, any hay, straw, shavings or other combustible material uncovered in his, her or their courtyard or lot of ground, within one hundred feet of any building.

(a) No person or persons shall set fire to any shavings, chips, straw or other combustible matter, for the purpose of consuming the same, in any street, square or lane, in the city.

Smoking or Carrying Lights

23. No person shall smoke or have in his or her possession any lighted pipe, cigarette or cigar, in any stable, carpenter or cabinet-maker's shop, or other shop or building where straw, shavings, or

other combustible material may be, or carry or keep, or suffer to be carried or kept, any lighted lamp or candle in any livery or other stable within the said City, unless such lamp or candle shall be enclosed in a lantern or shade, so as to prevent any accident from fire therefrom.

Unsafe Buildings or Scaffolding.

24. When any building, buildings or scaffolding in course of erection within the City limits shall be considered unsafe by the Building Inspector, he shall at once notify the owner, contractor or agent to make the same safe and secure, and every person so notified, who fails within twenty-four hours to comply with such notice, shall be subject to all the penalties of this By-law.

Dilapidated Buildings.

25. If any building, fence or erection, within the city shall, by reason of its ruinous or dilapidated state, be in an unsafe condition as regards danger from fire, or where any yard within the city shall contain any building, fence or erection or lumber or other combustible material which may be a source of danger from fire to the adjacent property, it shall be the duty of the Building Inspector to notify the owner, agent or other person having charge thereof to remove such building, fence, erection, material or lumber, or other combustible material therefrom, and such owner, agent or other person shall immediately remove the same, and if he shall fail to do so within two days after receiving such notice, the Building Inspector may, with the consent of the Market, Fire and Police Committee or of the Mayor to his doing so, remove such building, fence, erection, lumber or other combustible material, and the expense of such removal may be charged against and recovered from the owner of such building, fence, erection or yard.

Firemen to Report.

26. It shall be the duty of the members of the City Fire Department to report to the Chief Engineer of that Department, who shall, without delay, report to the Building Inspector, the existence and location of anything which may be a source of danger from fire, and which should be discontinued or removed in order to place the building or premises where it is situate in a safe condition as regards danger from fire, and also to report in the same manner any other violation of this By-law which may come under their notice, and it shall be the duty of the Building Inspector to make an entry of every such report in a book to be kept by him for that purpose and to take immediate action thereon.

Building Materials in Streets.

27. No person shall deposit or place in any public street, lane or alley in the city any material to be used in the erection of any new building, or the repair or alteration of any old building, at a

cost of over \$100, until a plan and description in accordance with the requirements of section 6 of this By-law have been deposited with the Building Inspector, and such person has obtained from the inspector a permit in writing in the form appended to this by-law for the placing of such material in such street, lane or alley, and in all cases where such plan and description have been so deposited, and it is necessary to use any portion of such public street, lane or alley, for the placing of such material, the Building Inspector shall give a permit in the form appended to this By-law.

28. No person shall, either personally or through anyone acting for him or with his authority, deposit or place any building material in or upon any public street, lane or alley within the limits of the city, except for the purpose of building or repairing, and in every case such building material shall be so placed as not to obstruct the surface drainage of such public street, lane or alley, or the free use of any public hydrants, or to occupy more than is necessary of such public street, lane or alley, and in no case more than one-third the width thereof in that portion of the city bounded by Catharine, Hunter, Bay and Cannon streets, and in that part of King street between Catharine and Wellington streets, or more than one-half thereof in any other part of the city, the space so occupied not to extend along such street, lane or alley, further than the frontage or depth of the lot so being built upon except that it may extend in front of the lot on either side, so long as the occupant of such adjoining lot may consent thereto; provided always that if the owner or tenant of the real estate on the opposite side of the street, lane or alley shall require at the same time to use any portion of the street, lane or alley for the deposit of building material, then, in such case, each party shall be restricted to the use of one-fourth of such street, lane or alley instead of one-third as aforesaid in that portion of the city bounded by Catharine Hunter, Bay and Cannon streets, and in that part of King street between Catharine and Wellington streets, and to the use of one-third of such street instead of one-half thereof in any other part of the city, but every lane or alley must be kept open for traffic to a width of not less than eight feet, and such material shall not in any case be allowed to remain in any public street, lane or alley, for any longer time than may be reasonably necessary for the completion of the work for which such building material is being used. Nothing in this By-law contained shall be construed to interfere with the rights and privileges granted to the Hamilton Street Railway Company, the Hamilton and Dundas Street Railway Company, or the Hamilton, Grimsby and Beamsville Electric Railway Company or any other Company, under and by virtue of any By-laws relating to such Companies.

29. Every person who shall deposit or place any building material upon any public street for any of the purposes hereinbefore mentioned in that part of the city bounded by Catharine, Hunter, Bay and Cannon streets, or in that part of King street between

Catharine and Wellington streets, shall, while any part of the material remains upon such street, enclose and keep enclosed the ground thereby occupied with a close board fence of a uniform height of not less than six feet, the public sidewalk to be left clear in all cases where it is not necessary to occupy it, and to be roofed over, wherever necessary, at a height of not less than eight feet above the level of the sidewalk with two thicknesses of one inch boards, and where it is necessary to occupy the sidewalk with building material, a plank sidewalk three feet wide shall be made by the person depositing the building material, such sidewalk to be made immediately outside of the said fence, and the ground covered thereby shall be reckoned as part of the space which the person depositing the building material is allowed to occupy.

30. Every person who shall deposit or place any building material upon any public street for any of the purposes hereinbefore mentioned in any part of the city other than that portion thereof bounded by Catharine, Hunter, Bay and Cannon streets, or that part of King street between Catharine and Wellington streets, shall, while any part of the material remains upon such street, enclose and keep enclosed the ground occupied thereby with a board fence at each end of sufficient height and strength to fully protect the public from injury or danger therefrom, and if the public sidewalk shall be enclosed within such fences, he shall make a sidewalk three feet wide immediately outside of said enclosure, and the ground covered by such sidewalk shall be reckoned as part of the space which the person depositing the building material is allowed to occupy.

31. The fence, roof and sidewalk mentioned in the preceding paragraphs of this section shall be removed by the person by or for whom they were erected as soon as the building material enclosed thereby has been used or removed, and he shall also thereupon put the street and sidewalk where such material has been deposited in as good repair as it was before such material was placed thereon.

Red Lights.

32. Whenever any person or persons, whether contractors or proprietors, shall be engaged in the erection or repairing of any building or other structure whatever within the city, and shall cause or permit any building material to be placed on any public street, lane or alley in the said city, and whenever any person or persons who shall be engaged in constructing any sewer or laying any gas, water or other pipes or conductors, in or through any of the streets, lanes, alleys, highways, sidewalks or other public places in said city where persons pass and repass, whether by appointment of the city, or its agents, or as contractors, or otherwise, it shall be the duty of all such persons to protect the public from injury therefrom by placing a sufficient number of red lights upon such materials, rubbish, goods, wares and merchandise heaps, piles, excavations or any other thing so caused or permitted by them to be or remain in

or at any of the places above mentioned, and in such manner as to enable the same to be distinctly seen by all passers-by and to continue such lights from dusk till daylight, during every night in which any such obstructions are allowed to remain in or at such place, and if such materials or obstructions are enclosed by a fence such lights shall be put on or above the fence, and no person shall, without the consent of the person or persons placing such lights, put out, remove or obstruct the same, or any of them, between dusk and daylight.

33. No person shall allow building material of any kind under his control to remain in any public street, lane or alley after dark without being closely piled, and being also sufficiently lighted in the manner hereinbefore required, or to remain more than twenty-four hours in any public street, lane or alley without being properly enclosed by a fence in the manner hereinbefore required, or to remain in any public street, lane or alley, in any other manner or for any other purpose, or for any longer time than is permitted by this by-law, nor shall any person put any fence or obstruction or allow any fence or obstruction under his control to remain in any public street, lane or alley, in any other manner or for any other purpose, or for any longer time than is permitted by the provisions of this by-law.

Conductor Pipes.

34. No owner or occupant of any property in the City of Hamilton shall discharge upon or over any public sidewalk or pavement in said City the water from any roof, eavetrough, conductor pipe, or other pipe or drain carrying water from any building on such property or from or across any portion of the land, nor shall any owner or occupant of any property permit the water which flows from any such roof, eavetrough, pipe or drain to be discharged upon or to flow over the public sidewalk or pavement.

35. No owner or occupant of any building shall place or construct, or authorize the placing or construction of any eavetrough, conductor, waterpipe or gutter pipe so as to permit or cause the water from the roof of such building to escape upon, flow over or run across or upon any public sidewalk, and the owners of buildings hereafter erected or rebuilt shall connect all conductors or gutter pipes upon that part of the building abutting upon any street with the sewer upon such street, if any there be, and whenever the pavement upon any street, not being a wooden sidewalk, it being constructed or reconstructed, the owners of all buildings abutting upon the street shall connect with the sewer, if any, upon such street every conductor, water pipe or gutter pipe, the water from which would otherwise flow over or upon such pavement.

Porches, Bay Windows and Steps.

36. No porch, or bay window, or steps, or other structure shall encroach upon or extend over the line of any street or alleyway.

Snow on Roofs.

37. Every owner or occupant of a building which adjoins or is near to a public street or alleyway shall in all cases where the roof or part of the roof slopes towards such public street or alleyway, or where there is danger of snow or ice falling into the street or alleyway from the roof of such building or of any verandah or porch attached thereto, place a sufficient barrier upon or near the edge of such roof to prevent the snow or ice from falling into the street or alleyway, or shall remove all snow or ice from the roof of such building, verandah or porch so as to prevent the same from sliding down or falling into such street or alleyway, and if such snow or ice shall fall or be thrown down upon any street or alleyway, it shall forthwith be removed therefrom by such owner or occupant, but where there is room in the street for that purpose it may be evenly spread by him outside the pavement, sidewalk or pathway, so as not to impede public travel or block up the water channel in the street.

Private Drains.

37a. Before proceeding to construct, reconstruct, or alter any portion of a private drain or sewer leading into any public sewer in or from any building or premises in the City of Hamilton, the owner or its agent desiring to construct the same shall file in the office of the Building Inspector a plan of such work contemplated, giving the size of all pipes, traps and fittings, together with the number of closets and baths, and the street and number marked thereon, and shewing the drainage system underground.

37b. All plans must be legibly drawn in ink on heavy white paper or on tracing linen, and must be drawn on a scale of four feet to one inch.

37c. No permit shall be granted under Sub-section A of Section 4 of Chapter 31 of the Consolidated By-laws of the City of Hamilton to construct such drain or sewer unless the Building Inspector has certified that he has approved of the plan and specification thereof filed in his office.

37d. After a plan or specification has once been approved, no alteration or deviation from the same shall be allowed, except on a written application of the owner or agent of the owner, and with the approval of the Building Inspector, and such alterations must be so entered on the plan registered.

38. Before any part of a private drain or sewer laid or constructed in or from any building or buildings in the City of Hamilton shall be covered up, or enclosed, or hidden from view, it shall be the duty of the drain layer, or other person or persons having charge of the laying or construction of such drain or sewer, to give notice in writing to the Building Inspector, or at his office, that such drain or sewer is ready for inspection by him, and he shall

thereupon, without delay, inspect the same, and it shall be unlawful for any drain layer or other person or persons to cover up, or enclose, or hide from view any part of such drain or sewer until the Building Inspector has approved of the same, except in cases where from the presence of quicksand or from the nature of the soil it is impossible to keep the drain or sewer open for inspection.

38a. No brick or wooden drain shall be allowed within any building, but all drains within any building shall be of a heavy cast iron pipe or of salt-glazed vitrified sewer pipe. Cast iron pipe when used within any building shall be oil finished inside and outside, with joints caulked with oakum and molten lead. All cast iron pipe when laid beneath the surface within any building, shall be not less than one-third of an inch thick. Vitrified sewer pipes when laid within any building shall be of the make known as *double strength*, and shall be of a thickness of not less than one-tenth the diameter of the pipe; the flange shall be not less than one and three-quarter inches deep; all flanges shall be carefully filled with the best Portland cement. The upper surface of any sewer pipe shall be not less than four inches below the foundation of any wall under which it passes.

38b. The Inspector shall require a water test of all private drains to the limit of the street, which test shall be made by and at the expense of the owner of the premises where the drains are constructed. If the work is not found satisfactory after being tested, two days notice shall be given to perfect the same, and if the work is not made satisfactory within that time the penalty prescribed by this By-law may be enforced forthwith.

38c. The result of every inspection shall be recorded on the plan registered in the office of the Building Inspector, together with the date of such inspection, and such record shall be open to the public during office hours.

38d. Each house or building must have its own separate soil-pipe and drain, and such soil-pipe and drain shall be so placed as to enable it to be inspected without destruction to walls; and the plumber shall be responsible for the proper connection of his work with the system of drainage, which connection shall be made by a cast iron bend and three feet of pipe extending horizontally from the vertical soil-pipe, and no two or more houses or buildings shall have any drain in common until each separate drain shall have passed outside the walls of the house or building which it serves.

38e. Where buildings are constructed flush with the line of the street, two buildings may be connected with one six-inch pipe, or larger street drain with a Y junction, placed immediately in front of wall.

38f. All drains beyond the street line must be properly connected with the private drain leading into the public sewer and not

covered until inspected, and in no case shall the drains between the walls of the house and the street line be laid until the private drain from the street line to the public sewer shall have first been laid and completed.

39. If on examination of any private drain or sewer it is found that the same is out of repair, or is not properly trapped or ventilated, or is in a condition that is likely to be dangerous to health, the Building Inspector shall give notice in writing to that effect to the owner or owners of the premises with which such drain or sewer is connected, and if for thirty days after receipt of such notice such owner or owners shall have refused or neglected to make all proper repairs or alterations, he or they shall be liable to the penalty imposed by this by-law, and such penalty may be imposed for every day after the expiration of thirty days that such refusal or neglect shall continue.

40. No permit shall be granted under subsection (a) of section 4 of chapter 31 of the consolidated by-laws of this City to construct a drain or sewer into any of the common sewers of the city unless the owner of the property, for the benefit whereof such permit is applied for, shall first sign an agreement with the City Corporation, in the form appended to this By-law, undertaking to be responsible for all damages which may be caused by the negligence of such owner, or of any contractor or workman employed by him with regard to the excavation of the street for the purpose applied for and to indemnify the city against all claims, costs and expenses in respect thereof, and also agreeing to restore the street to as good a state of repair as it was in before such excavation was made, and to the satisfaction of the City Engineer, and to pay to the City Corporation any expense they may be put to in filling up, restoring or making good such street to the satisfaction of the City Engineer, whether such work be done by the City Corporation immediately or become afterwards necessary by reason of the want of proper packing or pounding in the filling up of the excavation, or any defect in the construction of the drain or sewer, and also to hold the City Corporation harmless from all claims for any damages which may arise, or be caused through such connection with the sewer, from back water, in consequence of the gorging of any sewer by excessive rain or flood of waters.

41. Any person or persons guilty of a breach of any of the provisions of this by-law, shall for every such breach be subject to the penalties imposed by chapter seventy one of the Consolidated By-laws of this city.

Passed 30th day of April, A. D. 1894.

T. BEASLEY,
City Clerk.

A. D. STEWART,
Mayor.

FORM OF PERMIT UNDER SECTION 27 OF THE FOREGOING BY-LAW.
BUILDING INSPECTOR'S OFFICE.

PERMIT FOR DEPOSIT OF BUILDING MATERIAL.

No. Hamilton, 189

Permission is hereby granted to
to occupy such portion of the street as may be necessary for the
deposit of building material to be used in the erection or repair of a
building on on street,
such material to be deposited under and subject to the regulations
contained in By-law No. 730.

.....
Building Inspector.

FORM OF AGREEMENT AND PERMIT UNDER SECTION 40 OF THE
FOREGOING BY-LAW.

..... being the owner of
on the side of street, in the City of
Hamilton, hereby request permission from the City Engineer to
construct a drain or sewer into the common sewer of the City on
..... street, the drain or sewer for which such permit
is applied for to be laid by and hereby agree
with the Corporation of the City of Hamilton to be responsible for
all damages which may be caused by negligence or the
negligence of any contractor or workman with regard to the exca-
vation of the street for the purpose of constructing such drain or
sewer, and to indemnify the City Corporation against all claims,
costs and expenses in respect thereof, and also agree to restore the
street to as good a state of repair as it was in before any excava-
tion for such drain or sewer was made, and to the satisfaction of
the City Engineer, and to pay to the City Corporation any expense
they may be put to in filling up, restoring or making good such
street to the satisfaction of the City Engineer, whether such work
shall be done by the City Corporation immediately or shall become
afterwards necessary by reason of the want of proper packing or
pounding in the filling up of the excavation or any defect in the
construction of the drain or sewer. In consideration of being
allowed to connect the premises aforesaid with the above-mentioned
main sewer on street, hereby agree to
hold the City Corporation harmless from all claims for any damages
which may arise or be caused through such connection with the
sewer, from backwater, in consequence of the gorging of any sewer
by excessive rain or flood waters.

PERMIT FOR CONSTRUCTION OF DRAIN.
CITY ENGINEER'S OFFICE.

No. Hamilton, 189

Permission is hereby granted to
owner of on the side of street,
to construct a drain or sewer from said prop rty to connect with
the common sewer of the city on street, such
drain or sewer to be laid by

..... *City Engineer.*

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